

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ERIC R. SPAR,

Plaintiff,

vs.

**Case No.: 2:14-cv-546
JUDGE SMITH
Magistrate Judge Abel**

GARY C. MOHR, et al.,

Defendants.

ORDER

On August 15, 2014, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Plaintiff Eric Spar's June 20, 2014 Motion for Preliminary Injunction be denied. (*See Report and Recommendation*, Doc. 27). The parties were advised of their right to object to the *Report and Recommendation*. This matter is now before the Court on Plaintiff's Motion for Reconsideration of the Magistrate's *Report and Recommendation*, which will be construed as objections. (*See* Doc. 30). The Court will consider the matter *de novo*. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

The objections present the issues presented to and considered by the Magistrate Judge in the *Report and Recommendation*. Plaintiff urges the Court to maintain the status quo and grant his motion for preliminary injunction. However, the Court agrees with the findings of the Magistrate Judge that the evidence currently before the Court does not establish a strong likelihood that Plaintiff will prevail on his claims and therefore is not entitled to injunctive relief.

Therefore, for the reasons stated in the *Report and Recommendation*, this Court finds that Plaintiff's objections are without merit.

The *Report and Recommendation*, Document 27, is **ADOPTED** and **AFFIRMED**. Plaintiff's motion for preliminary injunction is **DENIED**. Plaintiff has also filed a Motion for Appointment of Counsel. Because the action has not yet progressed to the point that the Court is able to evaluate the merits of Plaintiff's claim, Plaintiff's Motion for Appointment of Counsel, Doc. No. 33, is **DENIED** without prejudice to renewal at a later stage of the proceedings. *See Henry v. City of Detroit Manpower Dept.*, 763 F.2d 757, 760 (6th Cir. 1985)(*en banc*)("[I]n considering an application for appointment of counsel, district courts should consider plaintiff's financial resources, the efforts of plaintiff to obtain counsel, and whether plaintiff's claim appears to have any merit.").

The Clerk shall remove Documents 5, 27, 30, and 33 from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT